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8 *Attorneys for Respondents*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11
12 Ngo Van Quan,

13
14 Petitioner,

15 v.

16 Estepa, et al.,

17 Respondents.

No. 25-cv-02407-PHX-DJH (JFM)

**STATUS UPDATE AND
SUGGESTION OF MOOTNESS**

18
19 **STATUS UPDATE**

20 In compliance with the Court's December 1, 2025 order, Respondents hereby
21 inform the Court that Petitioner, who's full and correct name is Van Quan Ngo, was
22 removed from the United States on November 18, 2025. See Exhibit A, Form I-205,
23 Warrant of Removal/Deportation and Record of Departure. Additionally, it appears when
24 Respondents filed the response to the habeas petition and combined the declaration which
25 contained a digital signature and the cover page for the exhibit, the electronic signature
26 was lost and no longer appeared on the document filed. Although this habeas petition is
27 now moot for the reasons addressed below, for the sake of completeness of the record,
28 Respondents have re-filed the corrected exhibit to their habeas response, which now
includes the electronic signature. Doc. 16.

SUGGESTION OF MOOTNESS

1 On July 10, 2025, Petitioner filed the habeas petition in this case. Doc. 1. Petitioner
2 argued his detention was unconstitutionally indefinite under *Zadvydas*, because there was
3 no likelihood of his removal to Vietnam in the reasonably foreseeable future and that he
4 was therefore entitled to release. *Id.* Because Petitioner has now been released from custody
5 and removed to Vietnam pursuant to his final removal order, the claims raised in
6 Petitioner’s habeas are moot and the case should be dismissed.

7
8 The jurisdiction of federal courts depends on the existence of a live case or
9 controversy under Article III of the Constitution. *PUC v. FERC*, 100 F.3d 1451, 1458 (9th
10 Cir. 1996). At any stage of the proceeding a case becomes moot when “it no longer
11 present[s] a case or controversy under Article III, § 2 of the Constitution.” *Spencer v.*
12 *Kemna*, 523 U.S. 1, 7 (1998). The test for mootness is whether the court can give a party
13 any effective relief in the event that it decides the matter on the merits in their favor.
14 *Reimers v. Oregon*, 863 F.2d 630, 632 (9th Cir. 1989). A case loses its quality as a live
15 controversy and becomes moot when the court can no longer issue effective relief. *Feldman*
16 *v. Bomar*, 518 F.3d 637, 642-43 (9th Cir. 2008); *see also Picrin-Peron v. Rison*, 930 F.2d
17 773, 775 (9th Cir. 1991) (“if it appears that [the court is] without power to grant the relief
18 requested, then the case is moot.”).

19 Furthermore, Article III requires that a live case or controversy exist not only when
20 the complaint is filed, but throughout the litigation. *Seven Words L.L.C. v. Network*
21 *Solutions*, 260 F.3d 1089, 1094-95 (9th Cir. 2001); *Cook Inlet Treaty Tribes v. Shalala*,
22 166 F.3d 986, 989 (9th Cir. 1999). A litigant must continue to have a personal stake in the
23 outcome of the suit throughout “all stages of federal judicial proceedings.” *United States*
24 *v. Verdin*, 243 F.3d 1174, 1177 (9th Cir. 2001). The writ of habeas corpus affords relief to
25 persons in custody pursuant to the judgment of a court in violation of the Constitution,
26 laws, or treaties of the United States. *See* 28 U.S.C. § 2241.

27 Here, Petitioner’s release from custody and removal from the United States renders
28 his habeas petition moot because the only relief the petition requested, his release from

1 custody, is no longer available to him because he is no longer detained. *McCullough v.*
 2 *Graber*, 726 F.3d 1057, 1060 (9th Cir. 2013). Thus, because the Court lacks the power to
 3 grant any further effective relief, the habeas petition is now moot. *Reimers*, 863 F.2d 632;
 4 *Feldman*, 518 F.3d at 642-43; *Picrin-Peron*, 930 F.2d at 775. Likewise, because Petitioner
 5 is no longer in custody, he no longer has a stake in the outcome of his habeas petition which
 6 challenged the constitutionality of his continued detention. *Verdin*, 243 F.3d at 1177.
 7 Petitioner’s case was rendered moot when he was released from detention and removed to
 8 Vietnam. *Abdala v. INS*, 488 F.3d 1061, 1064-65 (9th Cir. 2007) (discussing and collecting
 9 cases wherein a petitioner’s release from detention or parole or their removal rendered a
 10 habeas petition moot). The Court should dismiss the petition for lack of subject matter
 11 jurisdiction because Petitioner’s habeas petition is now moot. *McCullough*, 726 F.3d at
 12 1060.

13 Respectfully submitted this 6th day of December, 2025.

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